

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 16, 2011 6:00 PM**

STAFF PRESENT:

Erik Enyart, AICP, City Planner

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:03 PM.

ROLL CALL:

Members Present: Thomas Holland, Lance Whisman, John Benjamin, Larry Whiteley, and Jeff Baldwin.

Members Absent: None.

Chair Thomas Holland announced, in order to expedite some of these issues, that the agenda items would be taken out of order and the Consent Agenda would be taken up first and then Agenda Items numbered 5, 6, and 7 would be introduced.

CONSENT AGENDA:

1. Approval of Minutes for the April 18, 2011 Regular Meeting
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Chair Thomas Holland introduced Consent Agenda Item number 1. John Benjamin made a MOTION to APPROVE the Minutes of the April 18, 2011 meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, & Whisman

NAY: None.

ABSTAIN: Whiteley and Baldwin.

MOTION CARRIED: 3:0:2

2. Case # AC-11-05-01. Discussion and possible action to approve a replacement wall sign for “El Paisano” at 13330 S. Memorial Dr. Ste. 10 in the “Riverbend Shoppes” shopping center, Lots 1, 2, & 3, Block 1, *Riverbend Commercial Center Amended.*

3. Case # AC-11-05-02. Discussion and possible action to approve a wall sign for “Bixby Metro Chamber of Commerce” at 10441 S. Regal Blvd. Ste. 280 in the SpiritBank Event Center, Lot 12, Block 1, *Regal Plaza*.

Chair Thomas Holland introduced Consent Agenda Items numbered 2 through 6, inclusive, and asked Erik Enyart if they were like similar such cases where they had already been approved. Mr. Enyart confirmed and stated that, in all of these cases, Staff had reviewed and approved the sign permits, finding that the signage conformed to the Zoning Code requirements. Mr. Enyart requested ratification of the approval given.

Larry Whiteley made a MOTION to APPROVE Consent Agenda Items numbered 2 and 3. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

PLATS

OTHER BUSINESS

5. PUD 37 – Crosscreek – Minor Amendment # 2. Discussion and possible action to approve a Minor Amendment to PUD 37 to reduce the number of off-street parking spaces, change loading berth design standards, and change certification requirements to allow architects and/or civil engineers to certify certain as-built conditions, and related Development Standards amendments for Crosscreek.
Property located: All of *Crosscreek*; 12800-block of S. Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, May 06, 2011
RE: Report and Recommendations for:
PUD # 37 – Crosscreek – Minor Amendment # 2

LOCATION: – 12800-block of S. Memorial Dr.
– All of Crosscreek
LOT SIZE: 24 acres, more or less
ZONING: CS Commercial Shopping Center District + PUD 37
REQUEST: Minor Amendment(s) to PUD 37
SURROUNDING ZONING AND LAND USE:

North: AG; The Fry Creek Ditch channel, with agricultural land to the north of that.
South: RS-1, RS-2, & RMH; Residences and vacant residential lots in Clyde Miller Acreage, Poe Acreage, Village Ten Addition, and unplatted residential areas fronting along E. 129th St. S.,

and manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest.

East: AG; S. Memorial Dr., with agricultural land to the east of that.

West: AG & RMH; The Fry Creek Ditch channel, with manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest.

COMPREHENSIVE PLAN: Corridor

PREVIOUS/RELATED CASES:

PUD 37 – Crosscreek – Randall Pickard for Remy Co., Inc. – Request for rezoning from AG to CS and PUD 37 for Crosscreek – Recommended for Approval by PC 03/21/2005 and Approved by City Council April 11, 2005 (Ord. # 980 – number assigned to the approved blank ordinance in the year 2007 after discovery of the discrepancy).

Preliminary Plat of Crosscreek – Request for Preliminary Plat approval for Crosscreek – Recommended for Approval by PC 06/20/2005 and Approved by City Council 06/25/2005.

Final Plat of Crosscreek – Request for Final Plat approval for Crosscreek – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

AC-06-04-01 – Request for Architectural Committee [Site Plan and building plans] approval for Phase 1, consisting of buildings 1 through 5, inclusive, of Crosscreek – Believed to have been approved by AC April 17, 2006 (Minutes not found in case file).

BBOA-453 – Dennis Larson – Request for Special Exception to allow a Use Unit 17 indoors sales of used automobiles in the CS district with PUD 37 for the land platted as Crosscreek, and specifically, 12804 S. Memorial Dr. Unit # 109 – Approved by BOA 05/07/2007 on the condition that sales be indoors with no storage of automobiles outside of the building.

BBOA-487 – Keith Whitehouse for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 internet-based/indoor used automobile sales in the CS district with PUD 37 for Lot 2, Block 1, Crosscreek, and specifically, 12818 S. Memorial Dr. Unit # 111 – Approved by BOA 08/04/2008.

BBOA-494 – David Owens for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 indoor lawnmower and small engine repair business in the CS district with PUD 37 for Lot 3, Block 1, Crosscreek, and specifically, 12806 S. Memorial Dr. Unit # 115 – Withdrawn by Applicant in October/November 2008.

BBOA-498 – Cross Creek Office Warehouses, LLC and/or Remy Enterprises – Request for Special Exception to allow a Use Unit 19 indoor gymnasium, health club, baseball and basketball practice and training, enclosed commercial recreation establishments not elsewhere classified, and other such related uses within Use Unit 19, in the CS Commercial Shopping Center District with PUD 37 – Approved by BOA 03/02/2009.

PUD 37 – Crosscreek – Minor Amendment # 1 – Request for Minor Amendments to PUD 37 for Crosscreek – PC recommended Denial 05/18/2009 and City Council Approved on appeal 05/26/2009.

BL-377 – JR Donelson, Inc. for Remy Enterprises – Request for Lot-Split approval for Lot 5, Block 1 (including subject property) – PC Conditionally Approved 02/22/2011.

BLPAC-7 – JR Donelson, Inc. for Remy Enterprises – Request for Landscape Plan Alternative Compliance plan for subject property – Pending PC Consideration 05/16/2011.

BSP 2011-02 – “Crosscreek Lot 5, Block 1, Tracts 1 & 2” – JR Donelson, Inc. – Request for PUD Detailed Site Plan approval for subject property – Pending PC Consideration 05/16/2011.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

The Crosscreek development essentially consists of a series of metal trade center / warehouse buildings extending approximately ½ mile along the south side of the Fry Ditch No. 1 channel, oriented lengthwise along the channel (east-west). The exception is the front building (“Building 1”), which is oriented lengthwise along Memorial Dr., and has had appearance upgrades. The metal warehouse buildings are consistent with those typical of warehousing and trades and services general business offices (Use Unit 15, etc.). It should be noted that Use Unit 23 Warehousing is not permitted in the CS district or per PUD 37. This has continually caused interpretative and occupancy permitting issues for Crosscreek.

The Applicant plans to construct two (2) new metal trade center buildings, similar to those existing in the rest of Crosscreek, but smaller, as they will be built on the smaller lots (Tracts 1 and 2 of Lot 5 per BL-377).

ANALYSIS:

During the review of the Detailed Site Plan (BSP 2011-02), it was discovered that the proposed site will have insufficient numbers of parking spaces for the presumed primarily Use Unit 15 occupancies. The Applicant is requesting a Minor Amendment to PUD 37 to make the 20 parking spaces proposed for the development (10 for each building) the new minimum parking space number standard. Also with this Minor Amendment, the Applicant is proposing to reduce from 30' to 18' the depth requirement for required loading berths, and allow architects and civil engineers the authority to certify compliance with the landscaping and screening installation.

The Minor Amendment will be applicable to all of Crosscreek / PUD 37.

Staff does not object to the proposed Minor Amendment for the parking space number standard, recognizing that the balance of Crosscreek has been built in this manner and, upon multiple site inspections, it does not appear that there is insufficient parking to meet actual parking demands. In other words, Staff has observed on numerous occasions during the day that the parking lots are mostly empty for most of the development.

Staff does not object to the proposed Minor Amendment for the alternative loading berth design, as this adequacy determination should be up to the property owner / developer and Staff is not aware of any deficiencies in loading berths for the balance of Crosscreek, which appears to have been designed and constructed in the same or similar manner.

Finally, Staff does not object to the proposed Minor Amendment as to which professionals may certify compliance, as this change is reasonable.

Staff believes this PUD Minor Amendment is in order and recommends Approval.

Lance Whisman asked if the change pertaining to landscaping certifications would affect the landscape requirements. Erik Enyart stated that the Zoning Code proper allows architects and/or civil engineers to certify the landscaping installation, rather than only a landscape architect as required by the PUD as originally approved. Mr. Enyart stated that the landscaping will still be required as per the Planning Commission's approval requirements this evening.

Applicant JR Donelson stated that the State of Oklahoma allowed [all three professionals to provide the certification].

Chair Thomas Holland asked Erik Enyart if approving this case would affect the other two (2) related items on the agenda. Mr. Enyart stated that one of the three (3) changes would affect the Detailed Site Plan, as it would reduce the required number of parking spaces to that which is being proposed by the Detailed Site Plan. Mr. Enyart stated that this Minor Amendment application "stands on its own" and should be approved, as the other cases have their own set of approval conditions which would not be affected.

Chair Thomas Holland stated that the Applicant keeps calling this an "office warehouse," but that the property was not zoned for warehousing. Erik Enyart stated that the development is primarily designed for trades and services, which are primarily Use Unit 15, and that they may store equipment and materials as a part of their business. Mr. Enyart stated that a standalone warehouse would be a Use Unit 23, which is not allowed in the CS district or PUD 37.

Lance Whisman clarified with Erik Enyart that the proposed PUD Minor Amendment would affect all of Crosscreek, and not just the area with the two (2) new buildings.

Lance Whisman discussed the development with JR Donelson, who noted that the original development was approved for nine (9) buildings, and that the last ones were not built until now.

Developer Tim Remy stated that he did not have any tenants using their spaces for warehousing. Mr. Remy stated that he did want to correct [the PUD parking matter]. Mr. Remy estimated that 80% of the tenants were small businesses, and there were now three (3) or four (4) churches. Mr. Remy stated the churches hold services on Sundays, when everybody else was closed, so there was no problem for parking.

One of the Planning Commissioners asked how many parking spaces were missing from the development. Erik Enyart stated that this would be difficult to determine, as the Zoning Code is structured such that each Use Unit has a different parking formula, and each of the buildings in Crosscreek may have a dozen or so tenants, which may be of different Use Units. Mr. Enyart stated that it would take a long time to determine who all the tenants were, and which tenants were occupying which buildings, and what Use Units they each are, and so how many parking spaces would be needed. Mr. Enyart stated that, over the past few years, he had been through Crosscreek several times, and did not remember seeing that there being a problem with parking.

Chair Thomas Holland asked Erik Enyart if he was satisfied with the parking, and Mr. Enyart stated "Yes."

Tim Remy stated that he referred to the development as his "business incubator," since it was designed for new company startups. Mr. Remy stated that the businesses start out small, often with a truck and a trailer, and when they grow out of their space they move out and build their own shop.

Chair Thomas Holland stated that he had been through the property earlier that day, and saw that there were cars parked everywhere, including parallel parking along the drives since there were no other parking spaces.

JR Donelson stated that he officed in [Crosscreek]. Mr. Donelson described the parking situation by his building and stated that he has never had a problem finding a parking space.

After further discussion, Larry Whiteley made a MOTION to APPROVE PUD 37 Minor Amendment # 2 subject to meeting the requirements as recommended by Staff.

Jeff Baldwin and Chair Thomas Holland asked what the parking ratio was now. Erik Enyart stated that he believed it was one (1) parking space per 300 square feet of building floor area [for a Use Unit 15 use].* JR Donelson indicated agreement.

JR Donelson stated that each tenant has its own parking space and [overhead door loading] berth.

Chair Thomas Holland asked if this parking issue would reduce landscaping. Lance Whisman asked if Mr. Holland meant to suggest that less parking would result in more landscaping. Erik Enyart stated that there was a requirement to install one (1) landscaping tree per 10 parking spaces, but that the new buildings could not provide more parking spaces than were being offered, so there should not be a reduction in landscaping. JR Donelson stated that the new buildings would meet the 15% landscaping requirement.

* It was later observed to be one (1) parking space per 400 square feet.

Larry Whiteley asked how many parking spaces there would be, and JR Donelson responded that there would be 10 per building [for the new buildings], and that if there were no loading berths, there could be 22 parking spaces per building. Mr. Donelson stated that people could park in front of the [overhead] door, but [one could not] count them [as parking spaces].

John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

6. **BSP 2011-02 – “Crosscreek Lot 5, Block 1, Tracts 1 & 2” – JR Donelson, Inc.**
Discussion and consideration of a Detailed Site Plan and building plans for “Crosscreek Lot 5, Block 1, Tracts 1 & 2,” a trade center development for part of Lot 5, Block 1, *Crosscreek*.
Property located: 12810 and 12812 S. Memorial Dr.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, May 06, 2011
RE: Report and Recommendations for:
BSP 2011-02 – “Crosscreek Lot 5, Block 1, Tracts 1 & 2” – JR Donelson, Inc.

LOCATION: – 12810 & 12812 S. Memorial Dr.
– Northeast of the north dead-end of 73rd E. Ave. north of 129th St. S.
– Tracts 1 and 2 (per BL-377) of Lot 5, Block 1, *Crosscreek*

SIZE: 1.63 acres, more or less, in two (2) tracts

EXISTING ZONING: CS Commercial Shopping Center District + PUD 37

EXISTING USE: Vacant

DEVELOPMENT TYPE: Approval of Detailed Site Plan including as elements: (1) Detailed Site Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign Plan, and (5) building plans and profile view / elevations for new trade center buildings

SURROUNDING ZONING AND LAND USE:

North: AG; The Fry Creek Ditch channel, with agricultural land to the north of that.

South: RS-1, RS-2, & RMH; The Bixby United Pentecostal Church and residences and vacant residential lots in Poe Acreage and unplatted residential areas fronting along E. 129th St. S., a mobile home park, and manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest.

East: CS + PUD 37; Trade center metal buildings in *Crosscreek*.

West: CS + PUD 37, AG, & RMH; Vacant Tracts 3 and 4 (per BL-377) of Lot 5, Block 1, *Crosscreek*, baseball practice fields, the Fry Creek Ditch channel, with manufactured home residential in LaCasa Movil Estates and LaCasa Movil Estates 2nd to the southwest.

COMPREHENSIVE PLAN: Corridor

PREVIOUS/RELATED CASES: (Not necessarily a complete list)

PUD 37 – Crosscreek – Randall Pickard for Remy Co., Inc. – Request for rezoning from AG to CS and PUD 37 for Crosscreek – Recommended for Approval by PC 03/21/2005 and Approved by City Council April 11, 2005 (Ord. # 980 – number assigned to the approved blank ordinance in the year 2007 after discovery of the discrepancy).

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BL-377 – JR Donelson, Inc. for Remy Enterprises – Request for Lot-Split approval for Lot 5, Block 1 (including subject property) – PC Conditionally Approved 02/22/2011.

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PUD 37 – Crosscreek – Minor Amendment # 2 – Request for Minor Amendments to PUD 37 for Crosscreek – Pending PC Consideration 05/16/2011.

BACKGROUND INFORMATION:

The Crosscreek development essentially consists of a series of metal trade center / warehouse buildings extending approximately ½ mile along the south side of the Fry Ditch No. 1 channel, oriented lengthwise along the channel (east-west). The exception is the front building (“Building 1”), which is oriented lengthwise along Memorial Dr., and has had appearance upgrades. The metal warehouse buildings are consistent with those typical of warehousing and trades and services general business offices (Use Unit 15, etc.). It should be noted that Use Unit 23 Warehousing is not permitted in the CS district or per PUD 37. This has continually caused interpretative and occupancy permitting issues for Crosscreek.

The Applicant plans to construct two (2) new metal trade center buildings, similar to those existing in the rest of Crosscreek, but smaller, as they will be built on the smaller lots (Tracts 1 and 2 of Lot 5 per BL-377).

ANALYSIS:

Property Conditions. The subject property consists of vacant Tracts 1 and 2 (per BL-377) of Lot 5, Block 1 in Crosscreek, zoned CS + PUD 37. The two (2) tracts together contain 1.63 acres and, when constructed, will drain north to the Fry Creek Ditch # 1.

Comprehensive Plan. The Comprehensive Plan designates the subject property as Corridor.

The trade center development anticipated by this Detailed Site Plan would be consistent with the Comprehensive Plan.

General. The Applicant is proposing to build two (2) 125' X 80' (10,000 square feet) buildings, one (1) on each tract. The buildings will be more or less centered on each tract and will be surrounded with concrete paving, with unpaved 10' X 80' strips on each of the building ends.

Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.).

The Technical Advisory Committee (TAC) reviewed this Detailed Site Plan on May 04, 2011. The Minutes of the meeting are attached to this report.

The subject property lot conforms to the CS district and PUD 37, and the proposed building appears to comply with the height, maximum FAR, and minimum building setback standards for the CS district and PUD 37.

Access and Internal Circulation. The Tracts 1 and 2 of Lot 5 subject property currently has no frontage on a public street. Access is afforded via a private roadway within a 30'-wide Mutual Access Easement, which runs on an east-west axis and connects the east line of the subject property to the west line of Lot 1. The driveway connection to Memorial Dr. is located at the southeast corner of Lot 1. Lot 5 also accesses S. 73rd E. Ave. via an unnamed, curved roadway constructed by the Crosscreek developer on land owned by the City of Bixby (part of the Fry Creek channel right-of-way). After some effort searching, Staff has not located any easement which would support this roadway. Perhaps it was understood that, if constructed on City property, it would be a de facto public street. It was not included in or dedicated by the plat of Crosscreek.

The roadway to the west connects to the rest of the Crosscreek development via a roadway that passes north-south through the northwest corner of Lot 5, and east-west along the north side of Lot 5.

The PUD 37 Development Standards for Development Area "Lot 5" provide that there is no minimum frontage requirement. However, Subdivision Regulations Section 12-8-1.C.3.b requires that all proposed lots have legal access to a public way. The plat of Crosscreek does not appear to provide any specifically-defined easements through the Lot 5 subject property.

Crosscreek Deed of Dedication Section 2.6.a provides what may amount to a blanket easement over all the lots in Crosscreek, "...The Owner/Developer hereby grants and establishes a perpetual, non-exclusive mutual access easement for purposes of permitting vehicular and pedestrian passage to and from all lots in the planned unit development across all drives and parking lots as shall exist on the lots." The section continues with "A mutual access easement shall be recorded in the office of the Tulsa County Clerk by the Owner/Developer." The former easement establishment language, located in the PUD Restrictions section of the DoD/RCs, appears to have been added after the PUD was approved, as it was not found in the PUD language itself. It may have been added in satisfaction of the latter statement, along with the specifically-defined MAEs as represented on the face of the plat.

During the review of BL-377, the Applicant submitted a "Plat of Survey Exhibit for Mutual Access Easement," including a legal description of a 30'-wide Mutual Access Easement to be established through the east-west center of the subject property and connecting the existing 30' MAE on Lot 4 to the west roadway ingress/egress. The Applicant has not provided Staff a copy of this easement indicating it has been executed and recorded with the Tulsa County Clerk.

A concrete trail was constructed along and just north of the north line of Lot 5 when other buildings were constructed in Crosscreek. It is located on the Fry Creek Channel land owned by the City of Bixby, and is planned to eventually connect to other trails.

Parking and Loading Standards. The "Site Plan" drawing indicates the location of proposed parking areas. Each building would have 10 parking spaces, five (5) on each of the north and south sides thereof.

The PUD 37 Development Standards for the Lot 5 Development Area requires for parking, "As required by the applicable Use Unit of the City of Bixby Zoning Code."

At 10,000 square feet per building and presuming primarily Use Unit 15 occupancies, Zoning Code Section 11-9-15.D requires one (1) parking space to 400 square feet of building floor area, 25 parking spaces would be required for each building. Therefore, proposed parking is not adequate to meet the minimum number required. Due to the number of loading berths along the north and south sides of both buildings, it would not appear physically possible to achieve this standard.

The Applicant is requesting Planning Commission approval of PUD 37 Minor Amendment # 2, which would specify that the parking ratio standard for Crosscreek will be one (1) parking space per 10,000 square feet. If approved, the proposed parking would be in compliance.

The parking spaces are not dimensioned, and so compliance with parking space design standards cannot be determined.

Handicapped-accessible parking spaces are not indicated or dimensioned, and so compliance with these standards cannot be determined. Van-accessible spaces are not indicated either. Further, access aisles are not indicated, accessible routes to the entrances are not evident, and information has not been provided indicating signage to be used to reserve the accessible spaces. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot complies with the 10' minimum setback from an R Residential district per Zoning Code Section 11-10-3.B Table 1.

Presuming primarily Use Unit 15 occupancies, per Zoning Code Section 11-9-15.D, one (1) loading bay / berth is required and several are provided for each building. The "LB" designations along the north side of the northernmost building appears to indicate this, but "LB" is not included in the Legend. Based on available information, it appears that loading berths will be similarly located along the south side of this building and both north and south sides of the southernmost building, but such areas are not labeled "LB." The Applicant should include "LB" in the Legend and designate all other loading berth areas.

The presumed loading berths would comply with the 25' setback from an R Residential district per Zoning Code Section 11-10-3.B Table 1.

Zoning Code Section 11-10-5.A requires a 10' X 30' dimension for a "required loading berth." A note on the "Site Plan" drawing states "Loading berths to be 16'x23'," and so would not meet the minimum 30' dimension standard. Based on the proposed setbacks and site features, it would appear possible for at least the one (1) required loading berth per building to meet the 30' minimum dimension. If so, this area should be shown in a detail diagram or indicated and dimensioned on the plan where such areas will be located. However, per PUD 37 Minor Amendment # 2, the Applicant is requesting to reduce from 30' to 18' the depth requirement for required loading berths. If approved, this item would be satisfied.

Screening/Fencing. The Zoning Code requires a sight-proof screening fence for the subject property along the south property line, as it abuts an RS-1 Residential district.

PUD 37 requires for screening, "Appropriate screening shall be provided between the development areas and the residential areas to the south. All landscaping and screening shall be approved by the Bixby Planning Commission."

The "Site Plan" drawing indicates only a "6' screening wall w/fence" along the south property line. A profile view / elevation diagram, as is customary, has not been provided. No details have been provided as to the proposed type, size, and materials to be used for the fence. The Applicant should explain, to the Planning Commission's satisfaction, how the proposed 6' wall (fence?) with no landscaping trees will be adequate buffering in light of Zoning Code Sections 11-7I-6, 11-8-10.E, and 11-12-3.A.3. If found not satisfactory, the Planning Commission and Applicant should determine appropriate buffering methods during this Detailed Site Plan review and approval as authorized by the Zoning Code.

PUD 37 provides also, "There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen from persons standing at ground level."

A note on the "Site Plan" drawing provides, "The buildings will use the existing dumpsters on Lot 4." Based on previous site inspections, it appears that the existing trash dumpster areas are enclosed as required.

Landscape Plan. The "Landscape Plan" drawing includes plans for landscaping. Per BLPAC-7, also on this Planning Commission agenda for consideration, the Applicant is proposing certain alternatives to achieve compliance with applicable landscaping standards. To avoid unnecessary duplication, all Landscape Plan review details will be included in the BLPAC-7 Staff Report, and compliance with BLPAC-7 will be made a condition of this Detailed Site Plan review and approval.

Exterior Materials and Colors. Profile View/Building Elevations diagrams are represented on the "Elevations" drawing, and indicate the proposed exterior materials and general architectural appearance for the proposed buildings.

The development proposes metal buildings with "pre-finished metal siding." The roof is planned to be a "pre-finished metal roof" and will slope down to the north and south with a 1/12 pitch. The buildings and roofs are anticipated to look the same as or similar to the ones used in the existing part of Crosscreek.

Note # 6 on the "Site Plan" drawing provides, "The buildings are metal. The color is cream with blue trim."

Outdoor Lighting. PUD 37 Development Standards provides the following for lighting:

"Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or residential street right-of-way. No light standard or building-mounted light shall exceed 20 feet in height or the height which complies with the standard stated in the preceding sentence, whichever is lower."

The "Elevations" profile view/elevations drawing indicates the proposed locations of the wall-mounted lights on the north and south sides of both buildings.

There is a residential area south of the subject property, creating the possibility of artificial lighting encroachment on these adjoining residences. Immediately to the south is the Bixby United Pentecostal Church at 7418 E. 129th St. S. The nearest residences appear to be approximately 420' to the southwest and 386' and 440' to the southeast of the nearest corners of the southernmost building.

Note # 3 on the "Site Plan" drawing provides, "Lighting will be wall packs on exterior of the building. There will be no pole lights lighting will be Cooper LM10C, exterior wall pack cut off, with directional down lighting, mounted at 14'-0"

Little to no details have been provided as to the type of lights to be used (submission of "cut sheets" is customary), proposed wattage or luminosity, or shielding methods. It does not appear possible to review the proposed lighting against the standard quoted from PUD 37 above.

Further, recognizing the potential for adverse effects on the adjoining residence to the south, Staff recommends the Applicant provide a photometric plan (or equivalent) demonstrating no additional artificial light will be shed onto adjoining residential properties beyond ambient conditions, or otherwise that the Applicant's lighting engineer, or other qualified expert, certify that the proposed lighting will not exceed the PUD 37 standards or the industry standard as it pertains to this type of commercial development and in proximity to dwelling units as in the present case.

Signage. PUD 37 essentially requires all signage comply with the Zoning Code standards for the same, and be approved by the Planning Commission for a "detail sign plan." Note # 4 on the "Site Plan" drawing provides, "Signage will be on a tenant finish basis. Sign permits will be on an individual basis. There are no signs proposed for the buildings."

The "Elevations" drawing indicates that the east sides of the buildings will have placard signs bearing the development name "Crosscreek" and building numbers. If the "Crosscreek" nameplate does not exceed two (2) square feet in display surface area, it will not count against the allowable wall signage per Zoning Code Section 11-9-21.C.3.a. The Applicant should represent the dimensions. If it exceeds the two (2) square feet allowance, it will still be permit-able as a wall sign. In any event, note # 4 should be amended to remove the last sentence, as the buildings will have some signage.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the approval of PUD 37 Minor Amendment # 2 and any conditions attached thereto.
2. Subject to the approval of BLPAC-7 and any conditions attached thereto.
3. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
4. Please provide a signed, recorded copy of the 30'-wide Mutual Access Easement to be established through the east-west center of the subject property and connecting the existing 30' MAE on Lot 4 to the west roadway ingress/egress, as per the "Plat of Survey Exhibit for Mutual Access Easement" and legal description as represented to the City in the case of BL-377, or advise if this is not in fact planned to be done.

5. *The parking spaces are not dimensioned, and so compliance with parking space design standards cannot be determined. Please design in accordance with applicable standards and dimension on the plans.*
6. *Handicapped-accessible parking spaces are not indicated or dimensioned, and so compliance with these standards cannot be determined. Van-accessible spaces are not indicated either. Further, access aisles are not indicated, accessible routes to the entrances are not evident, and information has not been provided indicating signage to be used to reserve the accessible spaces. Please make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards (see Figure 3 in Section 11-10-4.C). During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
7. *Presuming primarily Use Unit 15 occupancies, per Zoning Code Section 11-9-15.D, one (1) loading bay / berth is required and several are provided for each building. The "LB" designations along the north side of the northernmost building appears to indicate this, but "LB" is not included in the Legend. Based on available information, it appears that loading berths will be similarly located along the south side of this building and both north and south sides of the southernmost building, but such areas are not labeled "LB." Please add "LB" to the Legend and designate all other loading berth areas.*
8. *Please provide a profile view / elevation diagram showing the proposed fence, and details as to the proposed type, size, and materials to be used.*
9. *Recognizing the existing dwelling in an RS-1 district on the lots abutting to the south, the Applicant should explain, to the Planning Commission's satisfaction, how the proposed 6' wall (fence?) with no landscaping trees will be adequate buffering in light of Zoning Code Sections 11-7I-6, 11-8-10.E, and 11-12-3.A.3. If found not satisfactory, the Planning Commission and Applicant should determine appropriate buffering methods during this Detailed Site Plan review and approval as authorized by the Zoning Code.*
10. *Little to no details have been provided as to the type of lights to be used (submission of "cut sheets" is customary), proposed wattage or luminosity, or shielding methods. It does not appear possible to review the proposed lighting against the standard quoted from PUD 37 above.*

Further, recognizing the potential for adverse effects on the adjoining residence to the south, Staff recommends the Applicant provide a photometric plan (or equivalent) demonstrating no additional artificial light will be shed onto adjoining residential properties beyond ambient conditions, or otherwise that the Applicant's lighting engineer, or other qualified expert, certify that the proposed lighting will not exceed the PUD 37 standards or the industry standard as it pertains to this type of commercial development and in proximity to dwelling units as in the present case.

11. *The "Elevations" drawing indicates that the east sides of the buildings will have placard signs bearing the development name "Crosscreek" and building numbers. If the "Crosscreek" nameplate does not exceed two (2) square feet in display surface area, it will not count against the allowable wall signage per Zoning Code Section 11-9-21.C.3.a. The Applicant should represent the dimensions. If it exceeds the two (2) square feet allowance, it will still be permissible as a wall sign. In any event, please amend Note # 4 to remove the last sentence, as the buildings will have some signage.*
12. *Please represent the 17.5' Utility Easement as per the plat of Crosscreek.*
13. *It appears that parts of the 17.5' U/E will be paved. Paving over utility easements requires the specific approval of the City Engineer and Public Works Director.*
14. *Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*

Chair Thomas Holland consulted the Sign-In Sheet and called on Randy Vaughn of 12828 S. 73rd E. Ave., to speak on the item. Mr. Vaughn stated that he had no problem with the new buildings, but

expressed concern over access to S. 73rd E. Ave. and asked how many new businesses would be built.

Tim Remy stated that the whole development was originally approved for 250 ["office/warehouse"] units, but that the new buildings would be smaller than were originally approved.

Randy Vaughn expressed concern for the commercial traffic on S. 73rd E. Ave. when kids are getting off the bus. Mr. Vaughn stated that there have been one (1) ton and two (2) ton trucks, vans, trucks with trailers, and sometimes even 18-wheelers using the street. Mr. Vaughn stated that it used to be a quiet, dead-end street [before the roadway connection was made]. Mr. Vaughn stated that it was now like Memorial Dr. Mr. Vaughn stated that he would like to know if a gate could be put up on the end of S. 73rd E. Ave. Mr. Vaughn stated that he was a firefighter for 20 years, and knew that you could put up a lock box, that allows police and fire departments to get through. Mr. Vaughn stated that he knew that there had to be two (2) means of egress to the property. Mr. Vaughn stated that a gate with a lock box would mean that the commercial [traffic] will go out on Memorial Dr. versus going out through the neighborhood, "blasting through." Mr. Vaughn addressed Erik Enyart and stated, "You may remember me," and stated that he had provided the earlier petition to put speed bumps and signs on S. 73rd E. Ave. Mr. Enyart indicated agreement. Mr. Vaughn stated that [the City of Bixby] did put up stop signs and speed limit signs [as a result of that 2009 effort].

John Benjamin stated "The City of Bixby traffic control [police] can take care of that, but commercial traffic on a residential street is unheard of."

Randy Vaughn and John Benjamin discussed the matter briefly. Mr. Vaughn stated that an alternative would be to build a new access road along the west side of [*LaCasa Movil Estates 2nd*] on City of Bixby property, but conceded that that would require [the expense] of building however many feet of road. Larry Whiteley asked where this land was and Erik Enyart explained that he was referring to the City of Bixby's Fry Creek land, which was located between the east bank of the channel and the neighborhood. Mr. Enyart stated that there was currently a maintenance road, but it was not much of a roadway.

Tim Remy stated that he did not want to build this roadway, but paid for it and the City of Bixby gave him an easement to use the roadway. Mr. Remy stated that, if he could not use the road, he would want compensation from the City for the \$80,000 he spent to build the road and for the City to put in a new road [for secondary access]. Mr. Remy stated that he was going to put in speed bumps and donate all of that but was told that he couldn't, and was told that the signs and the [increased traffic] patrols would be used instead.

Erik Enyart provided to Chair Thomas Holland a copy of the January 09, 2006 City Council Minutes and a printout of an email from the City Attorney regarding the matter. Mr. Enyart stated that, according to the Minutes and the City Attorney, there was an agenda item that was approved giving "easement" to Mr. Remy and allowing him to use the roadway as long as he built it and maintained it. Mr. Enyart stated that the agenda item was written awkwardly, but that he understood the clear intent was to give Mr. Remy access to the road. Mr. Enyart stated that there was another City Council agenda item from 2005 essentially doing the same thing. Mr. Enyart and

Mr. Holland discussed the matter briefly. Mr. Enyart stated that, according to the City Attorney, his notes and recollection do not indicate that there was an actual “easement” document or agreement document, and that it would appear that the only record was the Minutes of the meeting. Mr. Holland questioned the information provided by Mr. Enyart.

Chair Thomas Holland stated, “We can recommend a gate.”

Larry Whiteley stated that this matter should go to the City Council, and Randy Vaughn stated “Okay.”

Tim Remy stated that the City required two (2) means of ingress and egress.

Chair Thomas Holland stated that the City had “many times allowed for a change,” such as for residential subdivisions.

Tim Remy indicated objection to the possibility of that he would have put \$100,000 into a road that he can’t use.

Larry Whiteley confirmed with Tim Remy that the City required two (2) means of ingress/egress.

Chair Thomas Holland stated, “I believe JR [Donelson] but want to see” how that was done.

Erik Enyart stated that the matter would have to go to the City Council if anything was to change.

Chair Thomas Holland asked if [the open access for regular commercial traffic arrangement] was designed all along, and Tim Remy and JR Donelson stated “Yes.” Mr. Holland stated that this was poor planning. Mr. Remy stated that it was the City’s planning.

John Benjamin stated that it was not Mr. Remy’s fault that he spent \$80,000 as required by the City Council.

Chair Thomas Holland clarified with Erik Enyart that he was recommending approval subject to all of the listed corrections, modifications, and Conditions of Approval as listed in the Staff Report.

Erik Enyart asked Tim Remy and JR Donelson if they were okay with the recommendations. JR Donelson addressed the Planning Commission and stated that he had provided lighting cut-sheets to address the recommendations pertaining to lighting, and indicated he would like the Planning Commission to recognize this in satisfaction of such items. Mr. Enyart stated that he had provided copies of these cut-sheets to all the Commissioners prior to the meeting. Mr. Enyart stated that his recommendation was that a photometric or equivalent lighting plan be provided, or otherwise a qualified expert state that the proposed lighting meets industry standards for commercial uses in proximity to residential areas as in the case here.

John Benjamin stated that the Staff Report also [left open for Planning Commission determination] the matter of whether the proposed buffering was adequate.

JR Donelson stated that the screening fence was existing.

Chair Thomas Holland asked what was the state of repair. Tim Remy stated that there were two (2) places damaged in the latest windstorm that he was in the process of fixing. Mr. Holland referred to the mature trees along this section of the fence.

After further discussion, John Benjamin made a MOTION to APPROVE BSP 2011-02 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman and Erik Enyart asked for clarification on the lighting recommendation. Mr. Benjamin indicated no change to the Motion. Jeff Baldwin SECONDED the Motion.

Chair Thomas Holland stated that he would propose an Amendment to the Motion, requiring a locked gate be put up on the access road leading to S. 73rd E. Ave.

John Benjamin questioned whether the Commission could require this.

Chair Thomas Holland stated that the Commission was only a recommending body. Erik Enyart stated that the Planning Commission in fact was the approving authority for a Detailed Site Plan. Mr. Enyart stated that the Commission could make such a Motion as an item of New Business. Mr. Enyart stated that he thought this is how it was handled the last time this came up. Mr. Holland and Mr. Enyart discussed this briefly. Mr. Enyart stated that the City Council had approved an agenda item giving Mr. Remy access to the roadway. Mr. Enyart stated that this same matter came up a couple of years ago, probably as a result of the previous Minor Amendment application to the Planning Commission.* Mr. Enyart stated that there were two (2) options: make that a requirement of Detailed Site Plan approval, which they could then appeal to the City Council, or take it up as an item of New Business at the end of the agenda. Mr. Holland indicated disfavor for a New Business item as it would be easier for the City Council to deny it.

Larry Whiteley stated that this matter was out of the Commission's realm. Mr. Whiteley stated that Mr. Remy did as he was required by the City and the City said he could use it.

Chair Thomas Holland stated that it would be taken up under New Business, and Withdrew his Amendment to the Motion.

Roll was called:

ROLL CALL:

AYE:	Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

* After later inspection, Staff found that the previous petition cause was actually instigated in response to Board of Adjustment case BBOA-498.

7. **BLPAC-7 – JR Donelson, Inc. for Remy Enterprises.** Discussion and possible action to approve a Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for a trade center development for part of Lot 5, Block 1, *Crosscreek*.
Property located: 12810 and 12812 S. Memorial Dr.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, May 06, 2011
RE: Report and Recommendations for:
BLPAC-7 – JR Donelson, Inc. for Remy Enterprises

LOCATION: – 12810 & 12812 S. Memorial Dr.
– Northeast of the north dead-end of 73rd E. Ave. north of 129th St. S.
– Tracts 1 and 2 (per BL-377) of Lot 5, Block 1, *Crosscreek*

SIZE: 1.63 acres, more or less, in two (2) tracts

EXISTING ZONING: CS Commercial Shopping Center District + PUD 37

EXISTING USE: Vacant

REQUEST: Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D

COMPREHENSIVE PLAN: Corridor

PREVIOUS/RELATED CASES:
PUD 37 – Crosscreek – Randall Pickard for Remy Co., Inc. – Request for rezoning from AG to CS and PUD 37 for Crosscreek – Recommended for Approval by PC 03/21/2005 and Approved by City Council April 11, 2005 (Ord. # 980 – number assigned to the approved blank ordinance in the year 2007 after discovery of the discrepancy).
Preliminary Plat of Crosscreek – Request for Preliminary Plat approval for Crosscreek – Recommended for Approval by PC 06/20/2005 and Approved by City Council 06/25/2005.
Final Plat of Crosscreek – Request for Final Plat approval for Crosscreek – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.
AC-06-04-01 – Request for Architectural Committee [Site Plan and building plans] approval for Phase 1, consisting of buildings 1 through 5, inclusive, of Crosscreek – Believed to have been approved by AC April 17, 2006 (Minutes not found in case file).
BBOA-453 – Dennis Larson – Request for Special Exception to allow a Use Unit 17 indoors sales of used automobiles in the CS district with PUD 37 for the land platted as Crosscreek, and specifically, 12804 S. Memorial Dr. Unit # 109 – Approved by BOA 05/07/2007 on the condition that sales be indoors with no storage of automobiles outside of the building.
BBOA-487 – Keith Whitehouse for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 internet-based/indoor used automobile sales in the CS district with PUD 37 for Lot 2, Block 1, Crosscreek, and specifically, 12818 S. Memorial Dr. Unit # 111 – Approved by BOA 08/04/2008.
BBOA-494 – David Owens for Cross Creek Office Warehouses, LLC – Request for Special Exception to allow a Use Unit 17 indoor lawnmower and small engine repair business in the CS district with PUD 37 for Lot 3, Block 1, Crosscreek, and specifically, 12806 S. Memorial Dr. Unit # 115 – Withdrawn by Applicant in October/November 2008.
BBOA-498 – Cross Creek Office Warehouses, LLC and/or Remy Enterprises – Request for Special Exception to allow a Use Unit 19 indoor gymnasium, health club, baseball and basketball practice and training, enclosed commercial recreation establishments not elsewhere classified, and other such related uses within Use Unit 19, in the CS Commercial Shopping Center District with PUD 37 – Approved by BOA 03/02/2009.
PUD 37 – Crosscreek – Minor Amendment # 1 – Request for Minor Amendments to PUD 37 for Crosscreek – PC recommended Denial 05/18/2009 and City Council Approved on appeal 05/26/2009.

BL-377 – JR Donelson, Inc. for Remy Enterprises – Request for Lot-Split approval for Lot 5, Block 1 (including subject property) – PC Conditionally Approved 02/22/2011.

BSP 2011-02 – “Crosscreek Lot 5, Block 1, Tracts 1 & 2” – JR Donelson, Inc. – Request for PUD Detailed Site Plan approval for subject property – Pending PC Consideration 05/16/2011.

PUD 37 – Crosscreek – Minor Amendment # 2 – Request for Minor Amendments to PUD 37 for Crosscreek – Pending PC Consideration 05/16/2011.

BACKGROUND INFORMATION:

The Crosscreek development essentially consists of a series of metal trade center / warehouse buildings extending approximately ½ mile along the south side of the Fry Ditch No. 1 channel, oriented lengthwise along the channel (east-west). The exception is the front building (“Building 1”), which is oriented lengthwise along Memorial Dr., and has had appearance upgrades. The metal warehouse buildings are consistent with those typical of warehousing and trades and services general business offices (Use Unit 15, etc.). It should be noted that Use Unit 23 Warehousing is not permitted in the CS district or per PUD 37. This has continually caused interpretative and occupancy permitting issues for Crosscreek.

The Applicant plans to construct two (2) new metal trade center buildings, similar to those existing in the rest of Crosscreek, but smaller, as they will be built on the smaller lots (Tracts 1 and 2 of Lot 5 per BL-377).

ANALYSIS:

Property Conditions. The subject property consists of vacant Tracts 1 and 2 (per BL-377) of Lot 5, Block 1 in Crosscreek, zoned CS + PUD 37. The two (2) tracts together contain 1.63 acres and, when constructed, will drain north to the Fry Creek Ditch # 1.

General. Alternative Compliance plans are generally recommended for approval when the total number of required trees and/or landscaped areas are met within the total site, but are merely relocated within property irrespective of required locations within landscaped Street Yards and setback areas.

The Landscape Plan Alternative Compliance plan is compared to the landscaping standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. There is no street frontage and so no Street Yard for the subject property. **This standard is not applicable.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): There is no street frontage and so no landscaped strip requirement for the subject property. **This standard is not applicable.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. Tree planting requirements are the same as for a Street Yard. There is 10' grass strip proposed along the south line, which would separate the parking lot from the RS-1 district abutting to the south, but no (0) trees are proposed. Standard will be met upon and as a part of compliance with the landscaping requirements for the South Setback Area per Section 11-12-3.A.4.
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Per PUD 37, there is a 10' setback “from all boundaries,” “Plus 2 feet for each one 1 foot building height exceeds 15 feet if the abutting property is within a Residential Zoning District.” There is an RS-1 district abutting to the south, and the building will be 19 1/3' in height. Therefore, the south line setback is 18 2/3'. Tree requirement calculations are as follows:

East line of Tracts 1 + 2 @ 346.79' X 10' = 3,467.9 square feet / 1,000 = 4 trees. No (0) trees proposed in East Line Setback Area. **This standard is not met for this Setback Area.**

North line of Tract 1 @ 203.06' – 10' from East Line Setback = 193.06' X 10' = 1,930.6 square feet / 1,000 = 2 trees. Four (4) trees proposed in North Line Setback Area. **This standard is met for this Setback Area.**

South Line of Tract 2 @ 203' – 10' from East Line Setback = 193' X 18 2/3' = 3,602.7 square feet / 1,000 = 4 trees. No (0) trees proposed in South Line Setback Area. **This standard is not met for this Setback Area.**

The west lines of Tracts 1 and 2 are not counted as they are interior to the “Lot 5” Development Area.

This standard is not met.

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50’ from a Landscaped Area, which Landscaped Area must contain at least one (1) tree. Only the parking lot on the north side of the northernmost building meets this standard. ***This standard is not met.***
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. There is no street frontage and so no Street Yard for the subject property. ***This standard is not applicable.***
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. A total of 20 parking spaces is proposed. It should be noted that the total is not consistent with the minimum number required, as described in the Staff Report for BSP 2011-02. The Applicant is also requesting a PUD Minor Amendment, which proposes that the required minimum number of parking spaces not exceed 20. If approved, 20 parking spaces would require two (2) trees. Four (4) trees are proposed in the North Setback Area, but only two (2) are required, and so the extra two (2) trees will meet this requirement. ***This standard is met.***
8. Parking Areas within 25’ of Right-of-Way (Section 11-12-3.C.5.a): There are no parking areas proposed within 25’ of the right-of-way. ***This standard is not applicable.***
9. Irrigation Standards (Section 11-12-3.D.2): The Landscape Plan represents “FPHB” (“Frost Proof Hose Bibs” per Note # 7) on the west ends of the two (2) existing buildings on Lot 4, and on the west ends of the two (2) proposed buildings on the subject property. Also represented are radii from each FPHB showing landscaping areas that are within 100’ of each. As indicated, however, the FPHB will not reach all of the landscaped areas on the north side of Tract 1 or the south side of Tract 2. ***This standard is not met.***
10. Miscellaneous Standards (Section 11-12-3.D, etc.): The reported calipers of the proposed trees, tree planting detail, and other information indicates compliance with other miscellaneous standards. ***This standard is met.***
11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. Using rough calculations, it appears that the proposed open space will come close to meeting this standard, but it cannot be determined absent accurate measurements provided by the Applicant’s Engineer. This percentage should be calculated and listed on the Landscape Plan. Until such time, ***compliance with this standard cannot be determined.***

Staff Recommendation. The Applicant should provide additional information showing, to the Planning Commission’s satisfaction, how the above items which are not consistent with the minimum landscaping standards can still achieve the purposes and intent of the standards by alternative means. Specifically, the information should address:

- Where the additional landscaping trees would be planted to meet the minimum overall number required (16 total, with 4 proposed),
- Why landscaping trees cannot be planted in the 10’ X 80’ grass strips on the ends of the buildings, which would allow the 50’ maximum distance between parking spaces to landscaped strips standard to be met for all but the most interior couple parking spaces,
- Why landscaping trees cannot be planted in the south 10’ grass strip, which would additionally help serve to buffer the RS-1 area to the south, and
- What will be proposed in the alternative to provide water to landscaping strips outside the 100’-radius areas from the FPHB as allowed by Zoning Code Section 11-12-3.D.2.c.

Tim Remy stated that he was “fine with the tree count – 16 will be fine.”

John Benjamin asked why trees could not be put along the south property line. Mr. Benjamin indicated the 12 additional trees could help blind [the commercial buildings] to the homes to the south.

Tim Remy stated “I’m fine with that.” JR Donelson confirmed that the trees would be planted along the north and south [property line landscaped strips].

It was mutually agreed that this was a good solution.

After further discussion, Lance Whisman made a MOTION to APPROVE BLPAC-7 subject to the recommendations as provided by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

Tim Remy left at this time.

PUBLIC HEARINGS:

4. **BCPA-6 – City of Bixby.** Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to redesignate a certain property on the Comprehensive Plan Land Use map from “Low Intensity” to “Medium Intensity” and to remove the “Residential” land use designation.
Property Located: Blocks 1, 2, and 3, *Privett Addition*, between 151st St. S. and Washington St., between Montgomery St. and Riverview Rd.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the following Staff Report:

<u>To:</u>	<i>Bixby Planning Commission</i>
<u>From:</u>	<i>Erik Enyart, AICP, City Planner</i>
<u>Date:</u>	<i>Tuesday, May 10, 2011</i>
<u>RE:</u>	<i>Report and Recommendations for: BCPA-6 – City of Bixby</i>

<u>LOCATION:</u>	<i>Between 151st St. S. and Washington St., between Montgomery St. and Riverview Rd.</i>
<u>LOT SIZE:</u>	<i>3 acres, more or less, in 3 blocks</i>
<u>EXISTING ZONING:</u>	<i>RS-3 Single Family Dwelling District</i>
<u>EXISTING USE:</u>	<i>Vacant</i>
<u>SUPPLEMENTAL ZONING:</u>	<i>None</i>
<u>EXISTING COMPREHENSIVE PLAN DESIGNATION:</u>	<i>Low Intensity + Residential</i>
<u>REQUESTED COMPREHENSIVE PLAN DESIGNATION:</u>	<i>Medium Intensity + (no specific land use designation)</i>
<u>SURROUNDING ZONING AND LAND USE:</u>	

North: (Across Washington St.) RS-3, RT, & RS-4; Single family residential and a church at 226 E. Jefferson St., all in the Privett Addition.

South: (Across 151st St. S.) RS-3 & IL; Single family residential and vacant lots in the Midland Addition. To the southwest are IL-zoned properties belonging to the Bixby Historical Society, including some old commercial/storage buildings at 21 E. Needles Ave., an old filling station at 27 E. Needles Ave., the Bixby Historical Society Museum at 24 E. McKennon Ave., and vacant and underutilized lots.

East: (Across Riverview Rd.) AG; Rural residential and agricultural land.

West: RS-3, IM, & CH; Single family residential in the Privett Addition, the Stone Mill manufactured stone manufacturing and sales at 15 and/or 21 E. 151st St. S., and a metal storage building.

PREVIOUS/RELATED CASES:

BBOA-4 – Mr. & Mrs. Jim Brock – request for Variance to allow a mobile home to be added to the rear yard of the residence at 116 E. Washington St., Lots 7 & 8, Block 3, Privett Addition – BOA Continued 07/06/[1970]. No further Minutes for 1970 are on file, but a sheet of paper with un-dated, hand-written notes in the case file appear to indicate the BOA approved for 1 year at some other date.

BBOA-6 – Aletha Mitchell – request for Variance to allow a mobile home to be added to the residence at 220/224 E. Washington St., Lots 1 & 2, Block 2, Privett Addition – No Minutes for 1971 are on file, but a letter dated 06/05/1971 states that the BOA approved the application 06/04/1971.

BZ-49 – J. W. Lee – Request for rezoning from RS-3 to RM-2 for a duplex at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – PC Recommended Denial 06/28/1976 and the City Council Denied 09/21/1976 on appeal.

BBOA-33 – J. W. Lee – request “to change from RS-3 to RM-2” at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – No Minutes are on file for this case – Notes indicate it was scheduled for a BOA hearing 09/14/1976, but perhaps the application was deemed administratively unactionable.

BBOA-37 – J. W. Lee – request for Special Exception to allow a mobile home to be added to the duplex at 302/306 E. Washington St., The W. 15' of Lot 11 and Lots 12 & 13, Block 1, Privett Addition – BOA approved “on a temporary basis” 08/09/1977 and as a “Permanent Special Exception” as an action item during the 09/13/1977 BOA meeting.

BBOA-150 – Gladys Cochran – request for Special Exception to allow a carport and a Variance to reduce the setback from 5' to 1' for Lots 7 & 8, Block 2, Privett Addition, addressed 214 E. Washington St. – BOA approved 12/09/1985.

BL-115 –David Archer – request for Lot-Split to divide Lots 4, 5, & 6, Block 3 of subject property, addressed 120 E. Washington St., into N/2 and S/2 – PC Denied 05/27/1986.

BBOA-172 –David Archer – request for Variance from the bulk and area requirements in the RS-3 district to allow a Lot-Split to divide Lots 4, 5, & 6, Block 3 of subject property, addressed 120 E. Washington St., into N/2 and S/2 – BOA Tabled 06/09/1986.

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-298 – Brian Coody – Request for rezoning from RS-3 to RT to allow a duplex on Lots 19 & 20, Block 8, Privett Addition, located across Washington St. to the north of subject property – PC recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 918) (not since built).

BZ-303 – Kendal Goodell – Request for rezoning from RS-3 to RS-4 for lot-width purposes to allow a single-family dwelling on the S. 53' of Lots 1 : 5, inclusive, Block 8, Privett Addition, addressed 414 N. Riverview Rd. and located ½ block north of subject property – PC recommended Approval 06/21/2004 and City Council Approved 07/12/2004 (Ord. # 890) (metal building house since built).

BACKGROUND INFORMATION:

History of the Request. During the development review process for the Millworx project at 27 E. McKennon Ave., local development consultant JR Donelson suggested that the City of Bixby should anticipate redevelopment along the widened 151st St. S. corridor by amending the Comprehensive Plan map, such that it would enable more intensive redevelopment patterns.

The initial scope included areas on both sides of 151st St. S. However, since then, JR Donelson has indicated interest on his and/or others' behalf to develop the leftover land north of the widened 151st St. S.

right-of-way for townhouses. Mr. Donelson has provided an exhibit indicating how the townhouses would be situated on the land, which exhibit is attached to this report.

During the City Council Worksession meeting held February 28, 2011, Staff asked the City Council for guidance on the parameters of the affected area and development type preferences. Based on the discussion during the meeting and further discussions with JR Donelson, the Mayor, and other City Staff, Staff recommended, and on March 14, 2011, the City Council authorized the preparation of a possible amendment to the Comprehensive Plan Land Use Map, limited to the three (3) blocks owned by the City of Bixby. Restricting the area to City-owned properties removes the difficulty of affecting private property owners, who may or may not approve of a change.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, and all of these have been done in this application case as well.

The Comprehensive Plan amendment is being processed in the same manner as has been used by private interests to have their properties redesignated on the Comprehensive Plan, including Public Notice and a Public Hearing before the Planning Commission, with the recommendation to be forwarded to the City Council for final action.

Additional Considerations. If the Comprehensive Plan Amendment is approved, the next step would be for the City Council to consider declaring the land as surplus and authorizing the advertisement for bids. As a part of selling the land, the City Council could, if it so chooses, require a development agreement specifying whatever terms are deemed appropriate.

Changing the Comprehensive Plan would not rezone the land. It would still be necessary for the successful bidder to rezone the land RT (along with any PUD as may be required for their specific designs), but the Comprehensive Plan amendment would enable this to occur. It would also likely increase the value of the land, helping maximize return to the City of Bixby.

ANALYSIS:

General. Fire Marshal's and City Engineer's memos are attached to this Staff Report. Their comments are incorporated herein by reference.

The Technical Advisory Committee (TAC) discussed BCPA-6 at its regular meeting held April 06, 2011. Minutes of that meeting are attached to this report.

Property Conditions. The subject property consists of Blocks 1, 2, and 3 of Privett Addition. Block 1 measures 336.4' east-west by 130' north-south, and so contains 43,732 square feet (slightly over 1 acre). Blocks 2 and 3 both measure 350' east-west by 130' north-south, and so contain 45,550 square feet (slightly over 1 acre) each. The blocks are located south of Washington St. between Montgomery St. and Riverview Rd. All of the land is currently vacant, having been cleared of the houses that were on the lots to make way for the 151st St. S. widening project. Zoning is RS-3 for all of the property.

The City of Bixby, in accordance with the Vision 2025 and/or 4-to-Fix-the-County program requirements, has deeded the southerly parts of these blocks (and adjacent areas) to Tulsa County as right-of-way for the Sectionline road improvements. The conveyed right-of-way is as shallow as 51.31' at the southwest corner of Block 3 and widens toward the east to be as wide as 57.44' at the southeast corner of Lot 1. Therefore, the typical remaining lot measures 25' by approximately 75'. A diagram, entitled "Typical interior Townhouse lot," indicates the right-of-way versus excess City of Bixby land and is attached to this report for illustration.

Per FEMA floodplain maps, all of the properties are located in the Shaded Zone X – 500-Year (0.2% Annual Chance) Floodplain.

Comprehensive Plan. On March 14, 2011, the City Council authorized the preparation of a possible amendment to the Comprehensive Plan Land Use Map as recommended by Staff as follows:

- Concerning only those parts of Blocks 1, 2, and 3, Privett Addition, north of the widened right-of-way, which belong to the City of Bixby,
- Change the designation from Low Intensity to Medium Intensity, and
- Remove the Residential designation, leaving it undesignated as to specific use.

RT Residential Townhouse District is the most appropriate zoning district for the considered townhouse development type. RT zoning was adopted (Ord. # 845) after the Comprehensive Plan in or around 2002 so it is not included in the “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan. However, based on the Matrix’s treatment of similar districts, Medium Intensity should be recognized as necessary to support RT zoning as being In Accordance with the Comprehensive Plan.

Removing the Residential specific land use designation would be preferable because, if this particular development did not materialize, this would enable the Medium Intensity to be used to authorize commercial, office, or other such more intensive rezonings and use types.

Access. All of the internal lots have access to 151st St. S. and Washington St. and the corner lots have access to, variously, Montgomery, Stanley, and Parker Streets and Riverview Rd. A sidewalk will be constructed along the north side of 151st St. S. as a part of the widening of that street. Sidewalk construction on the balance of the streets would be required upon rezoning and replatting the subject property.

Utilities. The subject property should have immediate access to all of the critical and the communications utilities. Levels of service for available utilities should be adequate for the development types on the subject property which would be enabled by a Medium Intensity designation.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily RS-3 and land uses consist of single-family homes in the Midland Addition and Privett Addition. In the interest of efficiency and avoiding redundancy, please see the case map for illustration of existing zoning patterns, which are described, along with surrounding land use patterns, in the Surrounding Zoning and Land Use summary section of this report.

Per BZ-298 in 2003, the City Council approved a rezoning from RS-3 to RT to allow a duplex on Lots 19 & 20, Block 8, Privett Addition, located across Washington St. to the north of subject property. Per BZ-303 in 2004, the City Council approved rezoning from RS-3 to RS-4 for lot-width purposes to allow a single-family dwelling on the S. 53’ of Lots 1 : 5, inclusive, Block 8, Privett Addition, addressed 414 N. Riverview Rd. and located ½ block north of subject property. Several other rezonings from RS-3 to, variously, RD, RT, and RM-1 have been approved for lots throughout the Midland Addition and [Original Town of] Bixby in the past decade, and have been used to allow duplexes to be constructed as infill projects. This demonstrates legislative intent to allow higher-intensity forms of residential redevelopment throughout the “Old Town” area of Bixby.

Per the Matrix in the Comprehensive Plan, the Medium Intensity designation, without a specific land use designation, would allow as In Accordance with the Comprehensive Plan: AG, RE, RS-1, RS-2, RS-3, RD, RM-1, RM-2, CS, ST, and presumably, RS-4. The same would potentially allow, as May Be Found In Accordance with the Comprehensive Plan: RMH, RM-3, CG, and IR. Due to the relatively shallow depth of the lots, higher intensity development types would not be feasible, leaving single-family and townhouse development the most likely forms to occur.

For the most part, therefore, the requested Medium Intensity designation would appear compatible with and complimentary to existing and future surrounding land uses and zoning patterns.

151st St. S. is being widened along the subject property, further enhancing accessibility, drainage, and utility purposes. These new infrastructure investments increase the appropriateness of higher intensity development of the subject property.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested amendment. Therefore, Staff recommends Approval.

NEW INFORMATION AS OF MAY 10, 2011:

The Planning Commission, at its April 18, 2011 regular meeting, Continued this item to this meeting until the Commission could access more information from the City [regarding representations for the use of the excess land].

At the meeting, an individual claimed that the City represented that the excess land from the 151st St. S. widening would be used for a “park or greenbelt.”

Staff has followed up on this research matter and solicited information from (1) other City Staff, (2) City files, (3) former City Planner Jim Coffey, and (4) the Bixby Bulletin, newspaper of record for the City of Bixby.

No other City Staff had any comments which could corroborate the claim that the excess land would be used for a “park or greenbelt,” or that any representations were made as to the use of excess land.

City Clerk Yvonne Scott provided the a file on the 2006 General Obligation Bond, which contained information on the bond sales and related financial matters, but no information about the use of excess land.

An undated conceptual rendering of the 151st St. S. widening project corridor (graphic overlaid on an aerial photograph) represented a four (4) lane roadway with landscaped medians and center turn lanes, but indicated nothing beyond the right-of-way lines. The drawing was prepared by Planning Design Group of Tulsa and was titled “151st. Widening Bixby Oklahoma.”

Former City Planner and City of Bixby property acquisition contractor Jim Coffey reported, “No commitments were made concerning the [excess] land... No plans were made on how the land would be used.” A printout of Mr. Coffey’s email is attached to this report.

Finally, Staff reviewed all of the Bixby Bulletin newspapers beginning with the first mention of plans for a General Obligation Bond issue, January 04, 2006 (“Leaders plan forward, 2006”) and ending with the May 04, 2006 issue, one month after the April 04, 2006 election. Per the article, “A new concern introduced at the Town Hall Meeting scheduled for Wednesday, January 4 (after this paper had gone to press) is the possibility of a new bond issue early in the year. [Make It Happen Committee leader] Sean Kouplun [stated] “I hope the results of the bond issue include the construction of a new state of the art youth sports complex, much needed street improvements, and a new or renovated City Hall.” In that paper was an early conceptual rendering of part of Bentley Park. No other renderings of any other bond issue projects were found published during this time period.

In all of the articles relating to the bond issue, all statements were strictly related to widening 151st St. S. from Memorial Dr. to Riverview Rd. from two (2) to four (4) or five (5) lanes, with no mention whatsoever about the use of excess land. It was ultimately decided that the project and bond issue would be for a four (4) lane roadway. There were no drawings or plans published which would indicate how excess land would be used, nor how the roadway improvement itself would appear.

Staff has made a cursory inquiry and investigation into the claim that the City of Bixby represented that the surplus land would be used for a “park or greenbelt” and found no evidence to support it. It remains possible that further research could discover additional information in this regard, but it appears somewhat unlikely, based on the findings, that they would corroborate this claim.

Staff’s recommendation has not changed.

Chair Thomas Holland consulted the Sign-In Sheet and called on Ted Crain of 404 N. Riverview Rd. to speak on the item. Mr. Crain stated that he recognized that, from the City’s view, it had to weigh the cost and expense to [sell and allow the land to be developed] versus maintaining the land. Mr. Crain stated that one of his former neighbors, Joy Templeton, was told that she could not relocate her house to the north side of the lot, and that the lot had to be bought out completely. Mr. Crain stated that Ms. Templeton stated she was told that “nothing would be built there.” Mr. Crain indicated that this should be recognized as a commitment on the City’s part. Mr. Crain stated, rhetorically, that a verbal contract was not worth the paper it was printed on. Mr. Crain expressed concern that the new [townhouse owners] may petition to have his property removed because it was bringing their property [values] down. Mr. Crain stated that the material storage piles on the land between 151st St. S. and Washington St. was overgrown with weeds, and he had had to weedeat the area himself. Mr. Crain suggested that the area be sodded or otherwise have the rocks removed so that it could be mowed. Chair Thomas Holland asked Erik Enyart to give a memo to the proper authority. Mr. Enyart agreed to communicate this information to the Public Works Director.

Chair Thomas Holland consulted the Sign-In Sheet and called on Richard Daniels, property owner of 221 E. McKennon Ave., to speak on the item. Mr. Daniels referred to the Agenda and stated that

the same thing was written as it was last month. Erik Enyart indicated agreement. Mr. Daniels stated that [the City of Bixby] was not telling anyone what the land would be used for, and indicated that he did not want to hear from Erik Enyart [about the City's plans for the land].

Richard Daniels stated that he had owned a house on Washington St. and that it was to be used for the [widened] road. Mr. Daniels stated that he owns houses on McKennon Ave. Mr. Daniels stated, "I love Bixby – love to see old houses, ones kept up anyway." Mr. Daniel stated that he was a school superintendent and had served on public boards, and "so I know what you do." Mr. Daniels stated, "The City wants to do anything there. I love Bixby – not with 100,000 [people] but as it is right now, with 18,000."

John Benjamin suggested Richard Daniels talk to his City Councilor. Mr. Daniels stated "He won't do [anything]."

Chair Thomas Holland consulted the Sign-In Sheet and called on Jerry Potter of 111 E. Washington St. to speak on the item. Mr. Potter indicated that the curb along 151st St. S. was already [constructed], and that he wanted to know if driveways on the subject property would have to connect to Washington St. Erik Enyart stated that there were no current plans to develop the property, but if they were designed to connect to 151st St. S., the curb would have to be cut. Mr. Potter stated that he owned 111 E. Washington St., "behind the dirt pile." JR Donelson stated "These people can call [City Engineer] Jared Cottle, who meets every Monday with the construction company."

Mike Daniels, who did not introduce himself, asked about the development of the subject property. Chair Thomas Holland asked Mr. Daniels if he would like to come up and sign the Sign-In Sheet. Mr. Daniels stated he just was asking and sat down.

Chair Thomas Holland stated, "The City wants to change the Comprehensive Plan and rezone [the subject property]." Erik Enyart clarified that this application would not rezone the subject property. Mr. Enyart stated that the City had been approached by a private interest with a suggestion to change the Comprehensive Plan for the subject property, to prepare it in advance for a possible townhouse development. Mr. Enyart stated that the City Council had heard the suggestion and authorized Staff to prepare the amendment for Public Hearing before the Planning Commission. Mr. Enyart stated [in response to Butch Daniels' comment] that this change would be to the Comprehensive Plan, enabling the subject property to be redeveloped for something other than single-family homes. Mr. Enyart stated that the land would remain zoned RS-3 residential. Mr. Enyart stated that it would be up to the successful bidder to submit an application for rezoning and probably PUD, and then everyone would be notified of a new Public Hearing before the Planning Commission, and the developer would have to show and detail all of their plans for what they would build.

Chair Thomas Holland consulted the Sign-In Sheet and called on Gail Williams of 225 E. McKennon Ave. to speak on the item. Ms. Williams stated, "This whole situation is regrettable – how it was designed. People lost their homes." Ms. Williams stated, "I read the Bixby Comprehensive Plan, and all it talks about is beautification, green areas, and parks." Ms. Williams read from the last two items on page 1 and #6, #7, and #8 on page 2 of the Bixby Comprehensive

Plan. Ms. Williams quoted #8 as follows “It is intended that the greatest possible range of housing types be provided in Bixby, but that the detached single family dwelling on an individual lot should be the dominant housing in Bixby...” Ms. Williams stated, “Detached single family [homes] are to be the dominant type” and asserted, “Apartments goes against the plans.” Ms. Williams referred to the Corridor Area Analysis map on page 120 of the Comprehensive Plan, and stated that the map called for beautification of 151st St. S. east of Memorial Dr., but that it “stopped just short of this area,” and that it should not have. Ms. Williams stated that the subject property should be a green space or a park. Ms. Williams stated that the City’s plans call for 100’ of right-of-way for a 4-lane road, and complained that there was only be 30’ from her back fence to the centerline of the road.

Chair Thomas Holland consulted the Sign-In Sheet and called on Cynthia Potter of 111 E. Washington St. to speak on the item. Ms. Potter stated, “My dad and I own 111 E. Washington, a rental property, for over 30 years. Please remember that [Bixby is] the ‘Garden Spot.’ A beautiful area will encourage people to come here. Most beautiful are the older neighborhoods.” Ms. Potter stated that, as the older people are dying away, there are younger people. Ms. Potter complained that the City Council wanted more commercial.

Chair Thomas Holland consulted the Sign-In Sheet and called on Dale Williams of 225 E. McKennon Ave. to speak on the item. Mr. Williams asked what the easement width was for [his frontage of 151st St. S]. Erik Enyart clarified with Mr. Williams that he was wanting to see how much grassy area right-of-way there was between his property line and the new street curb. Mr. Williams estimated that it was only about four (4) feet in width. Mr. Enyart stated that he did not know, and would have to see the construction plans, which he did not have.

Mike Daniels suggested the City donate the land to homeowners.

Larry Whiteley asked Erik Enyart if, [should the Comprehensive Plan Amendment be approved], the land could be a strip center. Mr. Enyart stated, “Yes, a shopping center in CS would be allowed.” Mr. Whiteley stated, “I’d have a problem with that.”

Erik Enyart stated, “If it is your preference, and that of the Commission, to only approve townhouses at the most, there are two (2) parts to this request: (1) to change the land use intensity from Low to Medium, and (2) to remove the Residential Land Use designation. If you did only # 1, the result would probably be townhouses at the most.”

Dale Williams stated that the City of Bixby had just blacktopped McKennon Ave., which he thought was a good thing, until someone told him that they only did it so that dump trucks could drive down it. Mr. Williams discussed the Crosscreek access road as discussed under a previous item on the agenda and expressed objection to the City of Bixby’s policies generally.

Larry Whiteley stated that this Commission did not have the power to make these changes, and only made recommendations to the City Council. Butch Daniels responded, “You have the power to vote this down tonight.” Mr. Daniels left the meeting.

Lance Whisman stated that it was poor judgment to remove houses and then put them back or build townhouses.

John Benjamin suggested that the City let the developer change the Comprehensive Plan.

JR Donelson stated, "The individual that would bid on the property would have an idea of what they would use it for." Mr. Donelson stated that, "If they inquired of Erik [Enyart], 'can I put this kind of residential on the property,' he would have to tell them that if this [Planning Commission] said no, they would be stuck with a property they can't use." Mr. Donelson stated that this [amendment] would let the individual who would buy the land know what it could be used for. Mr. Donelson clarified with Mike Daniels that commercial would not fit on the land. Mr. Donelson stated that [townhouses] could have zero-lot-lines, and be closer in proximity to one another. Erik Enyart clarified with one of the Planning Commissioners and Gail Williams that townhouses were attached homes built on their own lots, allowing the people to own their own homes, but that, like any single family detached house, they could also be rented.

JR Donelson stated that it would be a physical impossibility for industrial, even though it would meet [with the Comprehensive Plan criteria]. Mr. Donelson stated that it would also be a physical impossibility for commercial, even though it would meet that, since it would not meet the [setback and bulk and area] criteria. John Benjamin clarified with Mr. Donelson that it would not allow for light office either for the same reasons. Mr. Donelson stated that the City of Bixby did not want any [driveways] on 151st St. S., so [traffic for] the development would have to go on Washington St. Mr. Donelson stated that, whoever bought the land, it would be their responsibility to help improve the infrastructure on Washington St.

A Planning Commissioner asked Erik Enyart to restate what he said earlier about limiting the land to townhomes. Mr. Enyart stated that there were two (2) parts to the request: (1) to change the land use intensity from Low to Medium, and (2) to remove the Residential Land Use designation. Mr. Enyart stated that, if the Commissioners recommended only # 1, the result would probably be townhouses.

Someone who did not give their name suggested that the land be left undeveloped. Erik Enyart suggested they contact their Ward City Councilor and tell them what they want developed on the land, and "If you want nothing developed, you can tell them that." Mr. Enyart stated that the land was purchased with taxpayers' money, and that they could go to their City Councilors and tell them what they wanted. Mike Daniels stated that [his Ward Councilor] had told him he did not care what [the developers built there]. Mr. Enyart stated, "You can talk to all of the Councilors regardless of what ward they're in." Mr. Enyart stated that this proposal was received as a concept for townhouses, and the City Council authorized Staff to move forward with that concept. Mr. Enyart clarified with one of the Commissioners that both items, the Intensity Amendment and the specific Residential Land Use amendment were proposed to the City Council, and the City Council authorized Staff to work on the amendment including both changes. Mr. Enyart stated that the amendment could allow for a greater return on the taxpayers' investment.

Lance Whisman stated, if those in attendance were being told to talk to their City Councilors about what should be built there, this case should be [Continued to the next meeting to allow that to occur]. Another Commissioner stated that this had already been Continued once and the City

Council already said it would be for townhouses. Mr. Whisman stated, in that case, he would make a MOTION to RECOMMEND DENIAL.

Chair Thomas Holland clarified with Erik Enyart that this would go to the City Council regardless of the Planning Commission's recommendation.

Jeff Baldwin stated that he was not able to attend the last meeting and had only had a chance to hear about it at this meeting. Mr. Baldwin stated that would like to have more time with this matter. Mr. Baldwin asked those in attendance, "Do you object to the townhouses? Or if it could eventually be commercial?" Responses were made but were not clear.

After further discussion, Chair Thomas Holland recognized that the Motion to Deny had Died for Lack of a Second. Mr. Holland asked to entertain a new Motion.

John Benjamin made a MOTION to CONTINUE BCPA-6 to the June 20, 2011 regular meeting, and in the interim, to have Staff ask the City Council specifically what they want built on [the subject property].

Mike Daniels clarified the Motion with Erik Enyart, and John Benjamin indicated agreement.

Erik Enyart stated that the City Council part of the Motion would be put on the June 13, 2011 City Council agenda rather than the May 23, 2011 agenda due to the fact that only three (3) Councilors planned to attend the May meeting, and this matter should be heard by the full Council.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

Those in attendance left at this time.

OLD BUSINESS:

None.

NEW BUSINESS:

Chair Thomas Holland stated that the City Council needed to acknowledge that they needed to do something with [S. 73rd E. Ave.]. Erik Enyart stated that he agreed that it was a poor design to have commercial traffic on a residential street.

Chair Thomas Holland made a MOTION to request the City Council provide a locked gate [on the roadway connection to S. 73rd E. Ave.] or alternative ingress/egress method for Crosscreek. John Benjamin SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Benjamin, Whiteley, Baldwin, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 5:0:0

Erik Enyart stated that this would be put on the June 13, 2011 City Council agenda in order to be heard by the full City Council.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:27 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary